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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,548	01/04/2002	Lev Korenevsky		7129

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EXAMINER

BALSIS, SHAY L

ART UNIT PAPER NUMBER

1744

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/037,548	Applicant(s) KORENEVSKY, LEV	
	Examiner Shay L Balsis	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 11-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☒ Claim(s) 1-17 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims 11-17 drawn to an invention nonelected with traverse on 12/3/03. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Drawings

2. New corrected drawings are required in this application because the figures are drawn too close together making the reference numbers difficult to read. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

Page 18, line 1 reads "inner tube 311 and the outer tube 331" however, it should read -inner tube 331 and the outer tube 311-.

Appropriate correction is required.

Claim Objections

4. Claims 8-10 are objected to because of the following informalities:

Claim 8 recites the limitation "the new location" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the portion of the shaft" in line 1. There is insufficient antecedent basis for this limitation in the claim.

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Claim 9 recites the limitation "the roller cage" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the roller frame shaft's portion" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the roller cage" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the shaft's bend" in line 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the roller axis" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Thackara (USPN 2766473).

Thackara teaches a paint roller frame comprising a shaft (11) having a handle (10) on one end and a roller cage mounted on the opposite end. The roller cage assembly is generally perpendicular to the handle portion. The roller cage has a bearing portion (16) and an outer portion (25). The bearing portion is mounted on the shaft that is passing through an opening in the bearing portion. The bearing portion has a supporting surface (17) to support the paint roller sleeve and an inner face (19) against which an inner end of the roller sleeve core can be urged to prevent the paint roller

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sleeve from axial sliding. The outer portion has a supporting surface (26) to support the paint roller sleeve and an outer face (28) against which an outer end surface of the roller sleeve core can be urged to prevent the paint roller sleeve from axially sliding. The bearing portion and the outer portion comprise a mating connection to ensure tight trapping of the core. The outer portion and the bearing portion are connected by means of an axle (13). The outer portion is connected to the axle by a u-shaped spring clamp (27) and the bearing portion is connected by means of a projection (22, 23). There are two resilient integral washers (17, 26) adjacent to the inner and outer faces to ensure a tight fit. The roller cage can be removed from the shaft for maintenance or replacement of parts.

7. Claims 1-4, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Newman (USPN 3745624).

Newman teaches a paint roller frame comprising a shaft (10) having a handle (12) on one end and a roller cage mounted on the opposite end. The roller cage assembly is generally perpendicular to the handle portion. The roller cage has a bearing portion (26) and an outer portion (48). The bearing portion is mounted on the shaft that is passing through an opening in the bearing portion. The bearing portion has a supporting surface (26) to support the paint roller sleeve and an inner face (40) against which an inner end of the roller sleeve core can be urged to prevent the paint roller sleeve from axial sliding. The outer portion has a supporting surface (48) to support the paint roller sleeve and an outer face (56) against which an outer end surface of the roller sleeve core can be urged to prevent the paint roller sleeve from axially sliding. The bearing portion and the outer portion comprise a mating connection to ensure tight trapping of the core. The outer portion and the bearing portion are connected by means of an axle (18, 44). The outer portion is connected to the axle by projections on the axle (36) and the bearing portion is connected by means of a friction fit. There are two resilient integral washers (48, 56) adjacent to the inner and outer faces to ensure a tight fit.

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Additionally, there is another washer (38) adjacent the bearing portion. The length of the roller cage assembly is adjustable by repositioning of the roller cage parts allowing for the same roller frame with roller sleeves of different lengths. The roller cage can be removed from the shaft for maintenance or replacement of parts. Newman further teaches a hook that is located near the end of the shaft's handle portion that is closest to the roller sleeve.

8. Claims 1-4, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Dezen (USPN 4467509).

Dezen teaches a paint roller frame comprising a shaft (30) having a handle on one end and a roller cage mounted on the opposite end. The roller cage assembly is generally perpendicular to the handle portion. The roller cage has a bearing portion (36) and an outer portion (40). The bearing portion is mounted on the shaft that is passing through an opening in the bearing portion. The bearing portion has a supporting surface (50) to support the paint roller sleeve and an inner face (46) against which an inner end of the roller sleeve core can be urged to prevent the paint roller sleeve from axial sliding. The outer portion has a supporting surface (66) to support the paint roller sleeve and an outer face (48) against which an outer end surface of the roller sleeve core can be urged to prevent the paint roller sleeve from axially sliding. The bearing portion and the outer portion comprise a mating connection to ensure tight trapping of the core. The outer portion and the bearing portion are connected by means of an axle (28). The outer portion and bearing portion are both connected to the axle by means of a circlip (60, 72). There are two resilient integral washers (46, 48) adjacent to the inner and outer faces to ensure a tight fit. Additionally, there are other washers (62, 74) adjacent the outer and bearing portion to further prevent leakage. The length of the roller cage assembly is adjustable by repositioning of the roller cage parts allowing for the same roller frame

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with roller sleeves of different lengths (abstract). The outer portion is adjusted axially to tightly grip the roller. The roller cage can be removed from the shaft for maintenance or replacement of parts.

9. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Jang et al. (USPN 5497527).

Jang teaches a paint roller shaft made of plastic (col. 2, line 34) to eliminate dark marks on walls as a result of occasional touching walls with the shaft.

10. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Mlachnik (USPN 4237575).

Mlachnik teaches a paint roller shaft having two straight segments (best shown by reference number 54 and the segment to the left of the number 34), one that is perpendicular to the roller axle and another that is parallel to the roller axle. There is an intermediate portion (best shown by reference number 14) of the shaft connecting the straight segments that has an angle of about 135 degrees.

11. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Rossetti (USPN 5626672).

Rossetti teaches a paint roller shaft having two straight segments (not labeled), one that is perpendicular to the roller axle and another that is parallel to the roller axle. There is an intermediate portion (not labeled) of the shaft connecting the straight segments that has an angle of about 135 degrees (entire shaft represented by reference number 4).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill

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in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thackara in view of Al-samman (USPN 4402102), Newman in view of Al-samman (USPN 4402102) and Dezen in view of Al-samman (USPN 4402102).

Thackara, Newman and Dezen teach all the essential elements of the claimed invention however the references fail to teach a paint roller frame comprising a clip-on end wig that can be mounted on the outer end of the roller. Al-samman teaches a paint roller with a corner painting attachment (5). The attachment is made from a material similar to the paint roller. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a corner painting attachment as taught by Al-samman to Thackara, Newman and Dezen to allow for simultaneous painting of a corner and an adjacent wall (abstract).

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thackara in view of Napolitan (USPN 6499177), Newman in view of Napolitan (USPN 6499177) and Dezen in view of Napolitan (USPN 6499177).

Thackara, Newman and Dezen teach all the essential elements of the claimed invention however the references fail to teach a paint roller frame comprising a clip-on end wig that can be mounted on the outer end of the roller. Napolitan teaches a paint roller with a corner painting attachment (24). The attachment is made from a material similar to the paint roller. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a corner painting attachment as taught by Napolitan to Thackara, Newman and Dezen to allow for the application of a coating material uniformly to two intersecting surfaces such as in a corner (abstract).

Applicant's Arguments

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15. a. Thackara does not teach that the outer portion and bearing portion have direct mating connection means. Additionally, the flanges 19 and 28 do not ensure tight trapping.

b. Newman does not teach that the outer portion and the bearing portion are firmly connected via a mating connection means.

Response to Arguments

16. Applicant's arguments filed 2/1/04 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the outer portion and the bearing portion are **directly or firmly** connected via the mating connection means) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). While Thackara and Newman do not teach a direct connection between the outer portion and bearing portion, they are connected together via an axle and therefore the axle can be considered the mating connection between the two portions.

Additionally, Applicant states that the flanges on Thackara do not ensure a tight fit and will allow leakage to occur. According to claim 1, the bearing and outer portions must *inhibit* paint flow into the interior of the core. It is clear that the flanges on Thackara do inhibit paint from flowing into the core. If they were not present, there would be a gap between the bearing/outer portion and the paint sleeve that would clearly allow for paint to flow in. So while they prevent the roller sleeve from axial sliding they also inhibit paint flow.

With regard to claim 8, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing

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the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). In this case in claim 8, only the location of the hook ("located near the end of the shaft's handle portion that is close to the paint roller sleeve") holds patentable weight. The rest of the claim is considered to be intended use for the hook.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

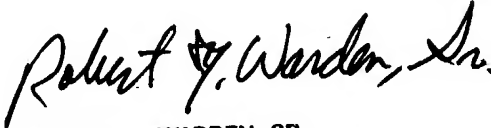
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
3/15/04


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